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14 Attorneys for Defendant:  
QUICKEN LOANS INC.

15 [ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK]

16  
17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA  
19 WESTERN DIVISION

20 AMANDA HILL and GAYLE HYDE,  
Individually and On Behalf of All  
21 Others Similarly Situated,

22 Plaintiffs,

23 v.

24 QUICKEN LOANS INC.,

25 Defendant.

Case No. 5:19-cv-00163-FMO-SP

**QUICKEN LOANS INC.'S  
RESPONSE TO PLAINTIFF'S  
NOTICE OF SUPPLEMENTAL  
AUTHORITY IN SUPPORT OF  
THE MOTION TO COMPEL  
ARBITRATION AS TO  
PLAINTIFF HILL**

Date: February 28, 2020

Time: 10:00 a.m.

Ctrm.: 6-D

Judge: Hon. Fernando M. Olguin

1 Quicken Loans Inc. respectfully submits this response to Plaintiff Hill's  
2 Notice of Supplemental Authority (Dkt. No. 74) (the "Notice"). In the Notice,  
3 Plaintiff Hill (a) contends that Eastern District of California's decision on a motion  
4 to compel arbitration in the case of *Hansen v. Rock Holdings, Inc.*, No. 2:19-cv-  
5 00179-KJM-DMC (E.D. Cal. 21, 2020) (the "*Hansen Order*") somehow supports  
6 her arguments in opposition to Quicken Loans' Motion to Compel Arbitration (Dkt.  
7 No. 29) here, and (b) appears to suggest that the evidentiary hearing on that Motion  
8 be cancelled midstream (Notice at 2-3). But the *Hansen Order* is inapposite  
9 because the evidence in this case and the *Hansen* case is different in numerous  
10 material respects. And nothing in the *Hansen Order* supports terminating the  
11 evidentiary hearing that this Court began in December and continued to February  
12 28, 2020.

13 Plaintiff Hill argues that the *Hansen Order* is somehow germane because "the  
14 plaintiff in *Hansen* . . . submitted substantially the same evidence that Plaintiff Hill  
15 has submitted in support of her Response to the Motion in this case." Notice at 2.  
16 That assertion is fundamentally false. As the block quote in the Notice (at 3)  
17 confirms, the key facts the *Hansen* Court relied upon for its decision to not compel  
18 arbitration were (a) a sworn statement in the plaintiff's (Hansen) declaration that he  
19 had *never* visited the LowerMyBills.com website in 2014 (Notice at 3; *Hansen*  
20 Order at 6-7, 13); and (b) undisputed evidence that the contested agreement to  
21 arbitrate was made in 2014 in the name of Hansen's deceased mother (and not  
22 Hansen himself) (*Id.*). Neither of these key facts are present in this case.<sup>1</sup>

23 In contrast to the facts in *Hansen*, Plaintiff Hill readily admits here that she  
24 *did* visit the two websites from which her two separate agreements to arbitrate were  
25 obtained. Also, unlike in *Hansen*, both of the contested agreements to arbitrate

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26  
27 <sup>1</sup> Hansen is represented by the same counsel as Plaintiff Hill in this case. Given  
28 this, the omission of these key fact differences between *Hansen* and this case from  
the Notice, coupled with Plaintiff Hill's representation that the evidence in both  
cases is "substantially the same," is inaccurate and misleading.

1 were made in Hill's name and contain Hill's matching contact information. As the  
2 evidence in support of Quicken Loans' Motion shows, and the Court has already  
3 heard in the evidentiary hearing, it is impossible that Hill's contact information was  
4 obtained unless she submitted it during her admitted website visits and agreed to  
5 arbitration at those websites. Hill's unsupported and self-serving contention that  
6 she stopped short of agreeing to arbitrate will be tested during her testimony at the  
7 upcoming evidentiary hearing. Following that hearing, the Court will be able to  
8 conclude for itself whether Hill's testimony that she visited both websites, but did  
9 not submit her information and agree to arbitration during her visits, creates a  
10 genuine dispute of fact that precludes arbitration in the face of substantial contrary  
11 testimony and documentary evidence.<sup>2</sup>

12 Finally, the *Hansen* Order provides no basis (factual or legal) for this Court  
13 to not go forward with the evidentiary hearing on the Motion that it ordered in  
14 October and began in December. The *Hansen* Order says nothing about the  
15 propriety of an evidentiary hearing on a motion to compel generally or under the  
16 circumstances present in this case. The decision instead supports completing the  
17 hearing as contemplated.

18  
19  
20 Respectfully submitted,

21 Dated: February 5, 2020

By: /s/ W. Kyle Tayman

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23  
24 <sup>2</sup> While Plaintiff Hill also cites to the *Hansen* Court's consideration of declarations  
25 from other "similarly-situated persons" who visited the same website as Hansen,  
26 there are no such declarations in the record here. None of the third-party  
27 declarations that Hill submitted in support of her opposition show that the  
28 declarants are "similarly-situated" to Hill. Rather, the hearsay contained within  
those declarations confirms that they are differently situated because not one of  
them (none) admit that they visited the LMB.YourVASurvey.info (let alone visited  
that website and the LowerMyBills.com website) as does Hill, and none alleges  
having visited any website in October or November 2018 around the same time as  
Hill (one declaration concerns events from 5 years ago).

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